

JONES VARGAS
100 West Liberty Street, Twelfth Floor
P.O. Box 281
Reno, NV 89504-0281
Tel: (775) 786-5000 Fax: (775) 786-1177

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

Case No. 2:07-CV-892-RCJ-GWF-BASE
and
Case No. 3:07-CV-241-RCJ-GWF

3685 SAN FERNANDO LENDERS, LLC, *et al.*,
Plaintiffs,
v.
COMPASS USA SPE LLC, *et al.*,
Defendants.

ORDER GRANTING
SUBSTITUTION OF DEATH VALLEY
ACQUISITIONS, LLC FOR PLAINTIFF
MOJAVE CANYON, INC.

This matter originally came before the Court on the motion by Silar Advisors, LP and Silar Special Opportunities Fund, LP (collectively, "Silar") for summary judgment (Ct. Dkt. #1712, filed May 3, 2010). Silar sought in part judgment on the claim of Plaintiff Mojave Canyon, Inc. ("Mojave") based on its prior assignment of its claim to Death Valley Acquisitions, LLC ("Death Valley") (Ct. Dkt. #924, filed March 6, 2009).

Mojave and Death Valley opposed the motion and requested that Death Valley be substituted as a plaintiff pursuant to Federal Rules of Civil Procedure 17 and 25 (Ct. Dkt. #1728, filed May 10, 2010). In its reply, Silar conceded that the substitution of Death Valley was appropriate based on the prior transfer of interest under Rule 25 (Ct. Dkt. #1772 at 4 n.1, filed May 13, 2010).

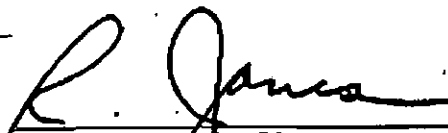
1 The Court heard the motion on May 17, 2010, but the Mojave/Death Valley claim was not
 2 discussed by counsel or the Court (Ct. Dkt. #1798, filed May 19, 2010). The Court's written order
 3 granted Silar's motion, including the dismissal of the Mojave claim (Ct. Dkt. #1820, filed June 9,
 4 2010).

5 The respondents to Silar's motion for summary judgment moved for reconsideration and
 6 incorporated by reference the briefs filed concerning Silar's motion for summary judgment (Ct. Dkt.
 7 #1859, filed August 11, 2010). Oppositions were filed by Silar, the trustee and the Compass parties
 8 (Ct. Dkt. #s 1868-70, filed September 2, 2010). Mojave and Death Valley replied separately to
 9 clarify that they also were seeking substitution of Death Valley as a plaintiff (Ct. Dkt. #1875, filed
 10 September 8, 2010).

11 A hearing was held as scheduled and noticed at 8:30 a.m., September 13, 2010, the Hon.
 12 Robert C. Jones presiding (Ct. Dkt. #1863, filed August 24, 2010). Appearances were made on the
 13 record, including Janet L. Chubb, Esq., of Jones Vargas on behalf of Mojave and Death Valley, and
 14 Francis B. Majorie, Esq., of The Majorie Firm, Ltd., on behalf of Silar. The Court, having reviewed
 15 the papers identified above and considered the argument of counsel, **ORDERED** that Death Valley
 16 Acquisitions, LLC, is substituted as a plaintiff for Mojave Canyon, Inc.

17 **IT IS SO ORDERED.**

18 DATED: February 4, 2011

19 
 20 ROBERT C. JONES
 21 UNITED STATES DISTRICT JUDGE
 22
 23
 24
 25
 26
 27
 28

JONES VARGAS
 100 West Liberty Street, Twelfth Floor
 P.O. Box 281
 Reno, NV 89504-0281
 Tel: (775) 786-5000 Fax: (775) 786-1177